IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 12816 of 2005

Between:

Kancherlapalli Rama Bhiksham s/o Dhasaratharamaiah,
r/o China Yadava, Machilipatnam Mandalam, Krishna District.

..... PETITIONER

AND

1 The Commissioner of Endowments, Boggulakunta, Hyderabad.
2 The Assistant Commissioner of Endowments, Vijayawada, Krishna District.
3 Sri G.Veerabhadrachari, Manager, Sri Bala Nageswara Swamy Devasthanam, Chinayadara, Machilipatnam Mandalam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order (Or) direction more particularly one in nature of writ of mandamus, declaring the action of the Manager, Sri Bala Nageswara Swamy Devasthanam, Chinayadara, Machilipatnam Mandalam of the 3rd respondent in an extent of acres 3.20 cents in Survey No.24 of Chinayadara Village, Machilipatnam Mandalam, Krishna District, without any written notice as illegal, and declaring the action of the 2nd respondent in not considering and disposing of the representation of the petitioner dated 1-6-2005 as illegal, and it further consequently prayed that this Honourable Court may be pleased to direct the 3rd respondent not to evict the petitioner from the said land and stop the auction dated 18-6-2005 till dispose of this writ petition (or) further orders of this Honourable Court and pass such other order (or) orders as this Honourable Court deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.KANCHARLA PALLI SIVA RAMA PRASAD

Counsel for the Respondent Nos.1 & 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: --

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner is a cultivating tenant of an extent of Ac.3-20 cents of wet land in survey No.24 of Chinayadara village, Machilipatnam mandal, Krishna district, which land belongs to Sri Bala Nageswara Swamy Devasthanam, Chinayadara, Machilipatnam. The petitioner claims to have filed an application before the 2nd respondent claiming the benefits of a landless poor person, as are available under Section 82 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). While so, the 3rd respondent notified auction of certain lands, including the lands earlier under the cultivation of the petitioner for auction, for grant of lease hold rights. As per the notification, the auction is to take place on 18-06-2005. The petitioner is aggrieved that the auction is being conducted without considering his claim for the benefit of landless poor under the provisions of the Act. In the circumstances, this court is not inclined to interdict the auction. However, the petitioner's representation dated 01-06-2005 stated to have been made to the 2nd respondent for being declared a landless poor person be disposed of by the 2nd respondent expeditiously and in any case within a period of three (3) weeks from the date of receipt of a copy of this order. The communication in this regard shall be addressed by the 2nd respondent to the petitioner within the aforesaid time. The writ petition is, accordingly, disposed of. No costs.

GODA RAGHURAM, J

Dt. 17-06-2005

Pvks/*

Note: Furnish c.c. in two days.

B/o pvks/*

To

1 The Commissioner of Endowments, Boggulakunta, Hyderabad.
2 The Assistant Commissioner of Endowments, Vijayawada, Krishna District.
3 Sri G.Veerabhadrachari, Manager, Sri Bala Nageswara Swamy Devasthanam, Chinayadara, Machilipatnam Mandalam.

4. 2 CCs. To the learned Government Pleader for Endowments, A.P. High Court Buildings, Hyderabad (OUT)

5. 2 CD copies

*Form-NIC-OGS/WP{**RS**}*